

June 25, 1993
REPORT TO THE COMMITTEE
ON PUBLIC SERVICES AND SAFETY

SPECIAL ASSESSMENTS FOR SECURITY SERVICES

BACKGROUND

At the June 2, 1993 meeting of the Public Services and Safety ("PS&S") Committee, our office was asked to draft a procedural ordinance for a special assessment for enhanced police or security services. The Committee's direction arose from requests from members of the La Jolla and Rancho Bernardo communities for added police services. We have drafted an ordinance which uses the City's powers as a Charter City to levy special assessments and tailored it to provide for security services. While there are other legal avenues available to levy assessments, we believe that this option will provide the most flexibility for the areas and type of services needed.

THE ORDINANCE

The draft ordinance is based upon a California Government Code section which allows for the levy of supplemental assessments for fire suppression services. (Government Code section 50078) We believe that if there can be a valid special benefit finding based upon the provision of supplementary fire suppression services that Council may make a similar finding for crime suppression services. Following current City practices, this assessment would be levied within an area when a sixty percent (60%) citizen petition requests it, or on the initiative of the City Council.

Once proceedings were initiated, the City Engineer would prepare a report and set noticed public hearings as with any other assessment district. If, after the public hearings, there were protests representing assessees equal to ten percent (10%) of the total expected revenue, the assessment must be submitted to a vote within the proposed district. If the protests are less than ten percent (10%), the Council could approve it without an election. Once the district is formed, the assessment would be placed on the property tax roll.

Under the ordinance as drafted, the proposed assessment district would pay for supplemental non-sworn officers. Since

these non-sworn officers would be over and above the current level of service provided by the City's sworn officers, the establishment of special benefit for special assessment purposes is more easily determined. Using non-sworn officers would also allow the City to provide the service by contract with a private security firm or by City forces who would be City employees but not sworn members of the department.

There are many policy issues involved in the decision to implement any supplemental crime suppression services. These decisions are more properly addressed by the Police Department which would be responsible for implementing the program should the Council choose to proceed with the concept.

There are alternative procedures for raising revenue by assessment or special taxes for crime suppression services, however we believe that each of them has disadvantages compared to the proposed ordinance.

1. Assessment district for regular sworn police services. This option would provide regular police services, however, the establishment of the appropriate level of services could create significant general fund costs which could not be recovered by the assessment district. Under the City Charter, the Chief of Police has the ability to dispatch officers from the district to other areas of the City. The broad powers of the Chief under the Charter would cause a problem with finding the special benefit necessary. If there was a desire to expand police services citywide, this type of assessment would be appropriate.

2. Use another assessment statute but still provide non-sworn officers. This would change the protest rules and eliminate the majority vote of the assessed property owners provision. This office believes that the limited protest with the voting provisions of the Fire Suppression legislation would make the district more favorably considered if it were challenged.

3. The Council could levy a special tax under either the Mello Roos Act Government Code section 53311 or the special tax provisions of the Government Code (Section 53978). Both of these require a 2/3 vote of the electorate. The 2/3 vote is difficult to obtain and the mandatory election requirement is costly.

Respectfully submitted,
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City Attorney

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Attachment

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